

**FINAL REPORT
OF THE
INTERIM STUDY COMMITTEE ON
MARRIAGE AND FAMILY BUILDING
INITIATIVES**



**Indiana Legislative Services Agency
200 W. Washington Street, Suite 301
Indianapolis, Indiana 46204**

October, 2002

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INTERIM STUDY COMMITTEE ON MARRIAGE AND FAMILY BUILDING INITIATIVES

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**Valerie Ruda
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A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Committee can be accessed from the General Assembly Homepage at <http://www.state.in.us/legislative/>.

I. LEGISLATIVE COUNCIL DIRECTIVE

The Legislative Council directed the Committee to study the following:

Various marriage and family building initiatives, including collection of data on marriage and divorce, communication of the benefits of marriage, social worker and case manager training, and initiatives concerning the early establishment of paternity (HB 1390).

II. SUMMARY OF WORK PROGRAM

The Committee met three times during the 2002 interim.

The first meeting was held September 5, 2002, at the State House in Indianapolis. The meeting was devoted to hearing testimony on the issues of: (1) the Supreme Court's new case management system; and (2) the status of federal funds designated to strengthening families.

The second meeting was held on September 26, 2002, at the State House in Indianapolis. The meeting was devoted to hearing testimony on the issues of: (1) premarital counseling; (2) the number of African-American children in foster care; (3) establishment of paternity; and (4) caseworker training in the area of families.

The third and final meeting was held on October 22, 2002, at the State House in Indianapolis. The meeting was devoted to: (1) considering and approving legislative recommendations; and (2) adopting the Committee's final report. The final report was adopted by a vote of 8 to 0.

III. SUMMARY OF TESTIMONY

This section is a general summary of the testimony received by the Committee. To read a more complete record of the testimony, the minutes for the Committee's three meetings can be found on the homepage of the Indiana General Assembly (<http://www.in.gov/legislative/>) or by contacting the Legislative Information Center of the Legislative Services Agency.

New Case Management System for Courts

Justice Frank Sullivan, Jr. made a presentation on the new Case Management System (CMS) which the courts are developing to provide for better information sharing among all courts in the State. There are approximately one million five hundred thousand cases filed each year in Indiana courts. Each court maintains its own records. Yearly the records are all compiled in the chronological case summary. CMS will provide for links among the courts as well as links with the State Police, the Bureau of Motor Vehicles, the General Assembly, other governmental entities, and the public. The new system will, among other things, allow users to have access to domestic violence and other protection orders. The pilot program of three counties should be running by the end of 2003. Within three years, the system should be in all county, city, and town courts.

Status of Indiana Receiving Federal Funds Designated to Strengthen Families

The Family and Social Services Administration (FSSA) recently announced that they need to reduce TANF by sixty million dollars. They need to scale back TANF services and put the money into cash

assistance. FSSA reported that child care, work training, and other services will be reduced because of the sixty million dollars in cuts. The State's share of TANF for FY 03 is one hundred fifteen million dollars.

The Indiana Catholic Conference indicated that they are concerned about the number of people sent to them when the state and federal governments cut payments. They urged the Committee to be careful considering service cutbacks to children and single mothers. It was reported by the Indiana Catholic Conference that they now have premarital counseling at each Catholic church.

The Indiana Family Institute testified that it is interested in the root cause of social ills. The Family Institute is interested in teaching healthy marriage skills. They believe that healthy marriages provide benefits for children, husbands, and wives, including better physical health and a reduction in domestic violence.

The Institute has the tools to help enhance marriages by helping with premarital counseling, using personality inventory tests for couples, and working with marriage mentors. One option which other states have tried is to charge an additional license fee for couples that have not gone through premarital counseling. Counseling is provided by licensed persons, and certain topics are required to be covered. Couples completing the program are given certificates to take when they get their marriage licenses. The Institute is working on a pilot project with Health and Human Services Administration (HHS) and would like FSSA to pursue federal Temporary Assistance to Needy Families (TANF) funds for the type of programs they want to institute. Oklahoma has developed a program which includes a marital awareness program.

The Indiana Civil Liberties Union said that mandatory counseling may conflict with constitutional rights, but offering counseling as a benefit would be acceptable.

The Indiana Coalition on Housing and Homeless Issues (ICHHI), testified that, while marriage provides a better environment for children, most of the persons receiving TANF assistance are consumed with making ends meet. ICHHI would like to see the Committee focus more on ways the State could make changes in laws, including tax laws, which make it difficult for families to stay together.

The Number of African-American Children Placed in Foster Care

FSSA provided the Committee with information on the number of African-Americans filing for termination of parental rights. FSSA provided the members with statistics on foster care including data by county. FSSA reported that they are required by law to place children with the family whenever possible. They want to take holistic look at problem to see where efforts need to be focused. They need to look more at data system in order to provide better information in this area.

Establishment of Paternity

FSSA stated that one of the agency's top priorities is to work towards 100% paternity establishment in each county. The goal is to establish paternity within 72 hours of the birth of the child. The State Department of Health reported there are approximately 30,000 out of wedlock births in Indiana each year.

Social Worker Training in Issue Relating to Marriage

FSSA provided the members with an excerpt from the case worker training manual which essentially states that the mission of child welfare workers is neither to encourage nor discourage marriage, but to assess needs of each case.

IV. COMMITTEE RECOMMENDATIONS:

The Committee made the following legislative recommendations:

PD 3518 Length of Waiting Period for Divorce

PD 3518 lengthens the waiting period between filing for divorce and the final hearing from sixty days to one hundred eighty days if there is a child less than seventeen years of age. If there is domestic violence involved, the waiting period remains sixty days.

The motion to recommend passage of PD 3518 passed by a vote of 8 to 0.

Senator Zakas will author the bill.

PD 3629 Pre-Divorce Counseling

PD 3629 provides that persons with minor children must attend a class on the effects of divorce on children before a divorce is granted. The parties may attend either together or separately. Where domestic violence is involved, the requirement is waived. Courts must set up programs for pre-divorce counseling. Persons seeking the divorce must pay for the counseling. The bill lists the topics which must be covered and the qualifications for those teaching the courses.

The motion to recommend passage of PD 3629 as amended passed by vote of 7 to 0.

Representative Welch will author the bill.

HC 1002 Use of TANF Money to Strengthen Marriage

HC 1002 urges FSSA to seek federal waivers to permit the use of TANF money for family strengthening and marriage enhancement programs.

The motion to recommend passage of HC 1002 passed by a vote of 8 to 0.

Representative Welch will author the resolution.

Other Legislation Considered

The Committee also considered but did not act on PD 3612 which would have established a requirement for twelve hours of premarital education before the issuance of a marriage license. The proposed draft also contained the following provisions: If a couple completes the counseling, the fees for the marriage license remains at \$10 and \$8. If a couple does not provide a certificate of completion of the premarital counseling, the total fee is \$78 of which \$60 will be deposited in the

Domestic Violence Prevention and Treatment Fund. The counseling must be provided by persons registered with the clerk of the circuit court. The courses must cover conflict resolution skills, money management skills, communication skills, parenting skills, research of marriage and what makes it work, and a premarital inventory.

WITNESS LIST

The Honorable Frank Sullivan, Jr.
Indiana Supreme Court

Ms. Amy Brown
Family and Social Services Administration

Mr. Curt Smith
Indiana Family Institute

Dr. Tim Gardner
Indiana Family Institute

Ms. Beryl Cohen
Indiana Coalition on Housing and Homeless Issues

Ms. Susan Kiley
Family and Social Services Administration

Mr. Michael McKillip
Legislative Director
Indiana Civil Liberties

Mr. Desmond Ryan
Indiana Catholic Conference

Mr. Joe Hunt
State Department of Health

Paje Felts
Legislative Counsel
Indiana State Bar Association

Adoption of Final Report

This report was adopted at the October 22, 2002, meeting by a vote of 8-0.